

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION**

CIVIL CASE NO. 1:09cv423

JERRY ANDERSON,)
)
Plaintiff,)
)
vs.) **ORDER**
)
CALDWELL COUNTY SHERIFF'S OFFICE,)
et. al.,)
)
Defendants.)
)

THIS MATTER is before the Court on the Mandate of the United States Court of Appeals for the Fourth Circuit. [Doc. 226].

On April 24, 2013, the Fourth Circuit reversed in part, dismissed in part and remanded this matter to the undersigned. The Circuit held:

The arresting officers are entitled to qualified immunity on the federal claims; the derivative federal claims of supervisory and local government liability fail because no actionable claim can exist without a constitutional violation committed by a subordinate employee; public officers' and governmental liability shield the officers and the [Caldwell County Sheriff's Office] from Anderson's state law claims; and the [Fourth Circuit] lacks jurisdiction to review the statutory bond claim against the sureties.

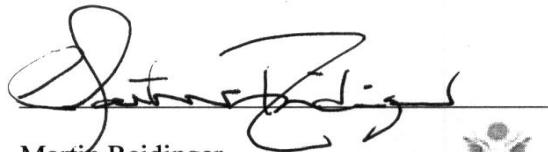
Anderson v. Caldwell County Sheriff's Office, ____ Fed. App'x ____,
2013 WL 1749513 **9 (2013).

As a result of the Fourth Circuit's rulings as well as prior rulings of this Court, the only remaining claim in this action is the statutory bond claim asserted by the Plaintiff against the sureties pursuant to N.C. Gen. Stat. §58-76-5. However, this is a state law claim and all claims over which this Court had original jurisdiction have been dismissed. The Court therefore declines to exercise supplemental jurisdiction over this claim.¹ 28 U.S.C. §1337(c)(3).

IT IS, THEREFORE, ORDERED that the Plaintiff's statutory bond claim is hereby **DISMISSED** without prejudice.

The Clerk of Court is instructed to terminate this action.

Signed: June 10, 2013



Martin Reidinger
United States District Judge



¹ The Court notes that the dismissal of the state law claims would necessarily result in the dismissal of this statutory claim. Stafford v. Barker, 129 N.C. App. 576, 502 S.E.2d 1 (1998). Out of an abundance of caution and in order to avoid any further expenditure of judicial resources, this Court does not so rule, finding instead that the exercise of supplemental jurisdiction is declined.